

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

OCT 10 2008

D. MARK JONES, CLERK
BY _____
DEPUTY CLERK

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Pro Se Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

JESSE C. TRENTADUE,

Plaintiff,

vs.

UNITED STATES CENTRAL
INTELLIGENCE AGENCY,

Defendants

COMPLAINT

Case: 2:08cv00788
Assigned To : Nuffer, David
Assign. Date : 10/10/2008
Description: Trentadue v. United
States Central Intelligence Agency

By way of *Complaint* under the *Freedom of Information Act*, 5 U.S.C. §§ 552 *et*.

seq. (hereinafter "*FOIA*"), Plaintiff Jesse C. Trentadue alleges and complains against the

United States Central Intelligence Agency as follows:

PARTIES

1. Plaintiff is a citizen of the United States and a resident of Salt Lake County, Utah.

2. The United States Central Intelligence Agency ("CIA") is an "Agency" of the Executive Branch of the United States of America within the meaning of 5 U.S.C. §§ 551(1) and 552(f)(1). As an Agency of the Executive Branch, the CIA is subject to *FOIA* and a proper party within the meaning of 5 U.S.C. §§ 702 and 703.

JURISDICTION AND VENUE

3. This Court's jurisdiction over this matter arises under 5 U.S.C. § 552(a)(4)(B); the *First Amendment* to the *Constitution of the United States*; the *Administrative Procedure Act*, 5 U.S.C. §§ 701 *et seq.*; 28 U.S.C. § 1331; and the equitable powers inherent in the Courts of the United States of America.

4. Venue lies within this Court pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

GENERAL ALLEGATIONS AS TO CIA

5. On December 19, 2006, Plaintiff served three separate and discrete *FOIA Requests* upon the CIA. Plaintiff's first *FOIA Request* sought the following

documents and/or records: CIA Office of Inspector General documents and/or records , directly or indirectly, relating or referring to the CIA's knowledge of the April 19, 1995, attack upon the Murrah Federal Building, including documents and/or records, directly or indirectly, relating or referring to any investigations of the CIA's involvement with or connection to the Murrah Building Bombing. A copy of this *FOIA Request* is attached hereto as Exhibit 1 and incorporated by reference.

6. Plaintiff's second *FOIA Request* sought the following documents and/or records: the documents and/or records which Linda Cipprianni of the CIA's Office of General Counsel had provided to Assistant United States Attorney Beth Wilkinson of the OKBOMB Task Force related to the Murrah Building Bombing. A copy of this *FOIA Request* is attached hereto as Exhibit 2 and incorporated by reference.

7. Plaintiff's third *FOIA Request* sought the following documents and/or records: documents and/or records on Andreas Carl Strassmier which, directly or indirectly, related or referred to Andreas Strassmier's possible involvement in the bombing of the Murrah Federal Building on April 19, 1995; Strassmier's role and/or activities as an informant, aid or operative, including working for or reporting to the German government, FBI, Southern Poverty Law Center or others; and/or Strassmier's activities at Elohim City, Oklahoma, including his relationship with Timothy McVeigh

and/or the Midwest Bank Robbery Gang. A copy of this *FOIA Request* is attached hereto as Exhibit 3 and incorporated by reference.

8. By letter dated February 23, 2007, the CIA acknowledged receipt of Plaintiff's three December 19, 2006, *FOIA Requests*. In that letter, the CIA advised Plaintiff that the agency had "combined" his three separate *FOIA Requests* and was treating them as one by assigning all three *Requests* reference number "F-2007-00513." In that letter, the CIA also asked for a written commitment from Plaintiff to pay for search and production costs in responding to the combined *Requests*. Plaintiff believes and, therefore, alleges that the CIA combined these *Requests* in order to delay producing the documents and/or records and to increase the cost to Plaintiff of that production. A copy of that letter is attached hereto as Exhibit 4 and incorporated by reference.

9. On March 4, 2007, Plaintiff wrote to the CIA agreeing to pay the CIA's search and production costs as outlined in the February 23, 2007, letter. A copy of Plaintiff's March 4, 2007, letter is attached hereto as Exhibit 5 and incorporated by reference.

10. On October 17, 2007, Plaintiff wrote to the CIA asking for a status report on his *FOIA Requests*. A copy of that October 17, 2007, letter is attached as Exhibit 6 and incorporated by reference.

11. By letter dated November 5, 2007 but not received by Plaintiff until November 16, 2007, the CIA wrote to Plaintiff's about his request for a status report. In that letter, the CIA informed Plaintiff that it was unable to give him a definite date by which it would respond to his three *FOIA Requests*. A copy of the CIA's November 5, 2007, letter is attached hereto as Exhibit 7, and incorporated by reference.

12. By letter dated March 28, 2008, Plaintiff again wrote to the CIA to inquire about the status of his *FOIA Requests*. A copy of that letter is attached hereto as Exhibit 8 and incorporated by reference. The CIA never responded to that March 20, 2008, inquiry from Plaintiff.

13. The CIA did not respond to Plaintiff's three *FOIA Requests* as required by 32 C.F.R. § 1900.21 and/or 28 U.S.C. § 552(a)(6). The CIA responses to Plaintiff's *FOIA Requests* were not in accordance with 28 U.S.C. § 552(a)(6) in that the CIA did not inform Plaintiff of the name, title position of the person withholding the requested documents and/or records; the reason(s) for withholding the documents and/or records, including any *FOIA* exemption; an estimate of the volume of documents and/or records or information withheld and number of pages or in some other reasonable form of estimation; and a statement that the withholding could be appealed. Moreover, the CIA's responses to Plaintiff's *FOIA Requests* were also not in compliance with the requirements

of 32 C.F.R. § 1900.21 and 5 U.S.C. § 552(a)(6)(A) in that the CIA in its responses failed to make a determination as to whether it would comply with or deny Plaintiff's *FOIA Requests*.

14. Due to the CIA not having complied with the requirements of 32 C.F.R. § 1900.21 and 5 U.S.C. § 552(a)(6)(A) in responding to the subject *FOIA Requests*, pursuant to 5 U.S.C. §§ 552(a)(6)(A) and (C), Plaintiff has constructively exhausted his administrative remedies.

CAUSE OF ACTION AS TO THE CIA
(Refusal to Produce Documents)

15. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 14 above.

16. Plaintiff has a statutory right to the documents and/or records requested in his *FOIA Requests* to the CIA.

17. The CIA has possession and control of the documents and/or records requested by Plaintiff.

18. Pursuant to *FOIA*, the CIA has a statutory duty to produce those documents and/or records to Plaintiff but has breached and continue to breach that duty.

19. The CIA has responded in bad faith to Plaintiffs' *FOIA Requests* in that the

CIA has produced no documents and/or records in response to Plaintiff's *FOIA Requests*. Neither has the CIA asserted any exemptions from disclosure with respect to the documents and/or records requested by Plaintiff. The CIA also has no legal basis to withhold the documents and/or records requested by Plaintiff but the CIA has unlawfully denied and continues to unlawfully deny Plaintiff access to these documents and/or records.

20. The CIA has also responded in bad faith by combining Plaintiff's separate *FOIA Requests* in to a single *Requests* thereby delaying production of the documents and/or records requested by Plaintiff and increasing the cost of that production.

21. As a direct and proximate result of such denials, Plaintiff has suffered and continues to suffer grave and irreparable injury.

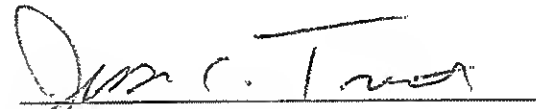
22. Plaintiff is entitled to seek judicial review of the CIA's actions and/or inactions with respect to has three *FOIA Requests* and that review is authorized pursuant to 5 U.S.C. § 552(a)(4)(B). Plaintiff is also clearly entitled to judicial relief in this Court as set forth in the prayer to this *Complaint*.

PRAYER

Wherefore, Plaintiff respectfully requests this Court for judgment and/or other relief against the CIA as follows:

1. For an Order permanently enjoining the CIA from withholding the documents and/or records which Plaintiff has requested under FOIA and further requiring the CIA to immediately produce all such documents and/or records;
2. For an *Order* awarding Plaintiff his costs, disbursements and reasonable attorney's fees pursuant to 5 U.S.C. § 552(a)(4)(E); and
3. For an *Order* awarding Plaintiff such other and further relief as may be equitable, just and proper under the circumstances.

DATED this 10th day of October, 2008.



Jesse C. Trentadue
Pro Se Plaintiff

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EXHIBIT 1

FREEDOM OF INFORMATION ACT REQUEST

JESSE C. TRENTADUE

4424 South Adonis
Holladay, Utah 84124
Phone: (801) 278-0114
Fax: (801) 532-7355
E-mail jesse32@sautah.com

December 19, 2006

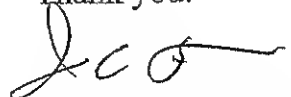
Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505

Re: *Freedom of Information Act Request*
Inspector General Report(s) Murrah Building Bombing

Dear Sir/Madam:

Pursuant to the *Freedom of Information Act*, 5 U.S.C. §§ 552 *et seq.*, I hereby request documents, information and/or records prepared and/or received by the Central Intelligence Agency ("CIA") Office of Inspector General relating or referring to the bombing of the Murrah Federal Building on April 19, 1995. This request specifically includes, but is not limited to, any and all report(s) by the CIA Office of Inspector General, directly or indirectly, concerning the CIA's prior knowledge of the planned attack upon the Murrah Building and/or the report(s) of any and all investigations into the CIA's role, involvement with or connection to the Murrah Building Bombing whether through employees, informants, operatives or other means.

Thank you.



Jesse C. Trentadue

EXHIBIT 2

FREEDOM OF INFORMATION ACT REQUEST

JESSE C. TRENTADUE

4424 South Adonis
Holladay, Utah 84124
Phone: (801) 278-0114
Fax: (801) 532-7355
E-mail jesse32@sautah.com

December 19, 2006

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505

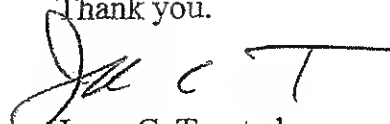
Re: *Freedom of Information Act Request*
Records Related to Murrah Building Bombing

Dear Sir/Madam:

On February 6, 1997, Linda Cippriani, of the Office of the General Counsel, CIA, was interviewed by Senior Supervisory Agent Robert A. Blecksmith of the Federal Bureau of Investigation. One of the subjects discussed between Ms. Cippriani and Mr. Blecksmith in that interview was the documents and/or records that Cippriani had provided to Assistant United States Attorney Beth Wilkinson of the OKBOMB Task Force related to the April 19, 1995, bombing of the Oklahoma City Murrah Federal Building.

Pursuant to the *Freedom of Information Act*, 5 U.S.C. §§552 *et. seq.*, I would like copies of the information, documents and/or records which Ms. Cippriani or the CIA provided to Ms. Wilkinson as well as any and all documents, information and/or records which Ms. Cippriani and/or the CIA provided to the United States Department of Justice which, directly or indirectly, relate, concern or refer to the bombing of the Murrah Building, including documents and/or records related to the CIA, Federal Bureau of Investigation and/or Bureau of Alcohol, Tobacco and Firearm's possible prior knowledge of a plan to attack the Murrah Federal Building.

Thank you.



Jesse C. Trentadue

EXHIBIT 3

FREEDOM OF INFORMATION ACT REQUEST

JESSE C. TRENTADUE

4424 South Adonis
Holladay, Utah 84124
Phone: (801) 278-0114
Fax: (801) 532-7355
E-mail jesse32@sautah.com

December 19, 2006

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505

Re: *Freedom of Information Act Request*
Records Related to Andreas Carl Strassmeir

Dear Sir/Madam:

Pursuant to the *Freedom of Information Act*, 5 U.S.C. §§ 552 *et seq.*, I hereby request any and all documents, information and/or records on German foreign national Andreas Carl Strassmeir, DOB May 17, 1959, German Passport Number G7572002. This request specifically includes, but is not limited to, all documents and/or records, directly or indirectly related to: (1) Strassmeir's possible involvement in the bombing of the Oklahoma City Murrah Federal Building on April 19, 1995; (2) Strassmeir's role and/or activities as an informant, agent or operative, including working for the German government, Federal Bureau of Investigation, Southern Poverty Law Center or others; (3) and/or Strassmeir activities at Elohim City, Oklahoma, including his relationship with Timothy McVeigh and/or the Mid-West Bank Robbery Gang.

Thank you.


Jesse C. Trentadue

EXHIBIT 4



Washington, D.C. 20505

FEB 23 2007

Mr. Jesse C. Trentadue
4424 South Adonis
Holladay, UT 84124

Reference: F-2007-00513

Dear Mr. Trentadue:

The office of the Information and Privacy Coordinator has received your three 19 December 2006 Freedom of Information Act (FOIA) requests for the following records:

1. **Office of Inspector General records relating or referring to the bombing of the Murrah Federal Building on April 19, 1995.**
2. **German foreign national Andreas Carl Strassmeir.**
3. **Records that Ms. Cippriani or the CIA provided to Ms. Wilkinson as well as any records that Ms. Cippriani and/or the CIA provided to the United States Department of Justice, which directly or indirectly, relate, concern or refer to the bombing of the Murrah Building.**

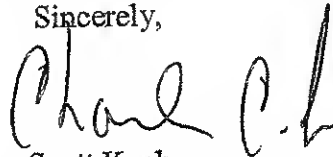
For ease of processing we have combined your requests and for identification purposes have assigned it the reference number cited above.

For your information, the FOIA authorizes federal agencies to collect fees for records services. You will note on the enclosed fee schedule that we charge search fees, including computer time where indices are computerized, and copying costs for releasable documents. In accordance with Section (a) of the schedule, search fees are assessable even if no records are found or, if found, we determine that they are not releasable. This means you will be charged even if our search results are negative or if we determine that no information is releasable under the FOIA. The search fees for each item in a request are usually about \$150.

Based upon the information provided in your letter, we determined that your request falls into the "all other" fee category, which means that you will be required to pay charges that recover the cost of searching for and reproducing responsive records (if any) beyond the first 100 pages of reproduction and the first two hours of search time, which will be furnished free. Copying costs will be assessed at the rate of ten cents per page.

Before we can begin processing your request, we must receive your commitment to pay fees incurred under the conditions stated above. We will hold your request in abeyance for 45 days from the date of this letter pending your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Koch", written in a cursive style.

Scott Koch

Information and Privacy Coordinator

Enclosure

EXHIBIT 5

FREEDOM OF INFORMATION ACT REQUEST

JESSE C. TRENTADUE

4424 South Adonis
Holladay, Utah 84124
Phone: (801) 278-0114
Fax: (801) 532-7355
E-mail jesse32@sautah.com

March 4, 2007

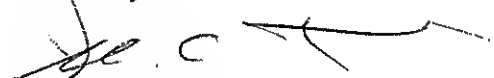
Mr. Scott Koch
Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505

Re: *Freedom of Information Act Request*
F-2007-00513

Dear Mr. Koch:

I am writing in response to your February 23, 2007, letter to me regarding my commitment to pay fees incurred in responding to my *FOIA* request to the CIA. Please consider this letter to be my personal commitment to pay the cost of searching for and producing responsive records as set forth in your letter to me. Meanwhile, I am looking forward to receipt of the documents/records covered by my request.

Thank you.



Jesse C. Trentadue

EXHIBIT 6

FREEDOM OF INFORMATION ACT REQUEST

JESSE C. TRENTADUE

4424 South Adonis
Holladay, Utah 84124
Phone: (801) 278-0114
Fax: (801) 532-7355
E-mail jesse32@santah.com

October 17, 2007

VIA U.S. Mail and Facsimile
(703) 482-1739
Mr. Scott Koch
Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505

Re: *Freedom of Information Act Request*
F-2007-00513

Dear Mr. Koch:

I am writing to inquire about the status of my *Freedom of Information Act Request*?

Thank you.

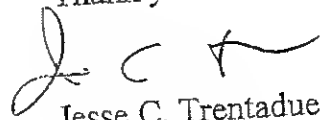

Jesse C. Trentadue

EXHIBIT 7



Washington, D.C. 20505

NOV 05 2007

Mr. Jesse C. Trentadue
4424 South Adonis
Holladay, UT 84124

Reference: F-2007-00513

Dear Mr. Trentadue:

The office of the Information and Privacy Coordinator has received your 17 October 2007 inquiry regarding your 19 December 2006 Freedom of Information Act (FOIA) request for the following records:

1. Office of Inspector General records relating or referring to the bombing of the Murrah Federal Building on April 19, 1995.
2. German foreign national Andreas Carl Strassmeir.
3. Records that Ms. Cippriani or the CIA provided to Ms. Wilkinson as well as any records that Ms. Cippriani and/or the CIA provided to the United States Department of Justice, which directly or indirectly, relate, concern or refer to the bombing of the Murrah Building.

We can appreciate your concern with not having received a final response to your request. Please be assured that it is the overwhelming number of requests and their complexity that causes delays in our responses. At the present, our workload comprises thousands of FOIA, Privacy Act and Executive Order requests, and it is our policy to handle each on a first-in, first-out basis that is the most equitable to all requesters. Again, we regret that we are unable to give you a definite date for completion and ask for your continued cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Koch".

Scott Koch
Information and Privacy Coordinator

EXHIBIT 8

FREEDOM OF INFORMATION ACT REQUEST

JESSE C. TRENTADUE

4424 South Adonis
Holladay, Utah 84124
Phone: (801) 278-0114
Fax: (801) 532-7355
E-mail jesse32@sautah.com

March 20, 2008

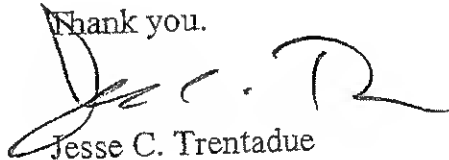
VIA U.S. Mail and Facsimile
(703) 482-1739
Mr. Scott Koch
Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505

Re: *Freedom of Information Act Request*
F-2007-00513

Dear Mr. Koch:

I am writing to inquire about the status of my *Freedom of Information Act Request*? The request was drawn with rifle shot specificity, the documents are not voluminous and the recent decision of *Trentadue v. Integrity Committee*, 501 F.3d 1215 (10th Cir. 2007) has eviscerated the exemptions that might otherwise have arguably applied to preclude release of these records. Having said that, I hope there will be no need for me to sue in order to obtain these records.

Thank you.



Jesse C. Trentadue